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**REMARKS**

In the Office Action, the Examiner rejected claims 1-8, 12, 20, 21, 23, 24 and 37-39 under 35 U.S.C. § 103. This rejection should be withdrawn for at least the reasons noted below.

Withdrawn claims 30-34 have been canceled from the application, without prejudice or disclaimer, to reduce claim fees. New claims 40-43 have been added to the application. Claims 1-21, 23-29 and 37-43 are pending, of which claims 9-11, 13-19 and 25-29 have been withdrawn by the Examiner.

Reconsideration is respectfully requested based on the following remarks.

**Restriction Requirement**

Applicants continue to object to the late restriction requirement in this case. Applicants reserve the right to Petition the Commissioner to reinstitute the withdrawn claims. MPEP § 1.114

**Rejection of Claims 1-8, 12, 20, 21, 23, 24 and 37-39 under 35 USC 103**

In the Office Action, claims 1-8, 20, 21, 23, 24, 37 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ralston et al., U.S. Patent 6,389,454, in view of Cree et al., U.S. Patent 4,866,611; and claims 12 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ralston et al. in view of Cree et al. and further in view of Scully et al., U.S. Patent 4,831,551. Applicants respectfully disagree.

The claimed invention presents numerous non-obvious differences as compared to the cited references. However, to facilitate Examiner review, Applicants have concentrated on a selected few of such differences in the following discussion.

**PATENT****1. Claim 1**

Claim 1 pertains to a computer-implemented method for providing an on-line appointment between a service provider and a user who is interested in a service the service provider may be able to provide. In Ralston et al. the described method is for scheduling an appointment with a facility, namely, a medical facility for some procedure. Ralston et al. at col. 5, lines 27-32 states (emphasis added): "Thus, the scheduling server 80 generates the appointment candidates by communicating with the organization's remote schedule servers 38, 48 58, which in turn communicate with the organization's facilities 35, 45, 55 to determine which of the facilities are available to provide the requisite services at the preferred date and time."

Claim 1 provides various distinguishing features from Ralston et al. as argued in previous responses which are incorporated herein by reference. Furthermore, among other distinguishing features, claim 1 recites: "checking another calendar of the service provider to determine if there is a conflict between the first calendar and the another calendar due to the selected appointment time...." Here, the Examiner admits that Ralston et al. fails to teach such checking of another calendar. See Office Action, page 4. Nevertheless, to overcome this deficiency of Ralston et al., the Examiner combines Ralston with Cree et al.

Cree et al. describes a synchronization between two instances of the same calendar. The Abstract of Cree et al. states:

An electronic calendaring method for use in a data processing system in which calendar entries that have been made for the same time span independently on two different copies of the calendar can be automatically and interactively reconciled. The method permits a calendar owner to obtain a machine readable transportable copy of his calendar on a diskette, to update that copy when the master copy is not available to him because of a business trip, for example, and upon his return to automatically and interactively reconcile the updated entries that have been made to both copies so that at least one of them reflects the correct status of calendar events for that owner.

(Emphasis Added.)

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Hence, the two instances (copies) of a calendar can be synchronized. Synchronization serves to reconcile updated entries that have been made to the different copies of what is the same calendar.

In contrast, claim 1, as noted above, recites "checking another calendar of the service provider to determine if there is a conflict between the first calendar and the another calendar due to the selected appointment time...." Claim 1 is thus checking between two separate and distinct calendars of a service provider. In other words, the checking in claim 1 operates to check a first calendar for a service provider to determine whether a selected appointment time would conflict with another calendar of the service provider. The first calendar and the another calendar are not instances of the same calendar but are instead separate and distinct calendars maintained for the same service provider.

Accordingly, Cree et al. does not teach or suggest checking for conflicts between two different calendars of a service provider. Indeed, Cree et al. suggests otherwise. In particular, Cree et al. deals with only a single calendar having occasionally two instances that need to be consolidated.

For at least these reasons, it is submitted that claim 1 is patentably distinct from Ralston et al. alone or in combination with Cree et al.

**2. Claim 12**

For reasons similar to claim 1 provided above, it is submitted that claim 12 is patentably distinct from Ralston et al. alone or in combination with Cree et al. Further, even if Scully et al. were to be combined with Ralston et al. and Cree et al., Scully et al. would be unable to cure the above-noted deficiencies of Ralston et al. and Cree et al.

**3. Claim 20**

Claim 20 pertains to an on-line appointment system that supports a large number of users in making appointments over the Internet. Among other things, claim 20 recites: "a synchronization application that provides for automated

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claim 20 recites: "a synchronization application that provides for automated review of an appointment that has been scheduled to determine whether the scheduled appointment conflicts with at least one entry in a local software calendar of one of the service providers, where the appointment database also provides a calendar for that service provider...." Since Ralston et al. is admittedly deficient in teaching the synchronization application of claim 20, the Examiner again relies on Cree et al. However, Cree et al. is unable to teach or suggest the synchronization application and its associated conflict checking operation. More particularly, the conflict checking operation in claim 20 operates to check a calendar for a service provider provided by the appointment database with another calendar, namely, a local software calendar of the service provider. Again, there are two different calendars in claim 20 and both of the calendars are for the same service provider. Cree et al. does not teach or suggest checking for conflicts between two different calendars of the same person. Further, claim 20 specifies that the automatic review provided by the on-line appointment system of claim 20 is for an appointment that has been scheduled via an appointment server and an appointment database, whereas in Cree et al. synchronization merely describes synchronization between two instances of the same calendar. For at least these reasons, it is submitted that claim 20 is patentably distinct from Ralston et al. alone or in combination with Cree et al.

**4. Conclusion**

Based on the foregoing, it is submitted that claims 1, 12 and 20 are patentably distinct from Ralston et al. alone or in combination with Cree et al. and/or Scully et al. In addition, it is submitted that dependent claims 2-8, 21, 23, 24 and 37-39 (as well as new claims 40-43) are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Ralston et al., Cree et al. and/or Scully et al.

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**Summary**

It is respectfully requested that the Examiner withdraw the rejection of claims 1-8, 12, 20, 21, 23, 24 and 37-39 under 35 USC § 103(a).

Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

  
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